

SIXTY-FIRST DAY

(Wednesday, April 30, 1969)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Berry

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Berry was granted leave of absence for today on account of illness on motion of Senator Hightower.

(Senator Aikin in the Chair.)

Reports of Standing Committees

Senator Jordan submitted the following reports:

Austin, Texas,
April 29, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Labor and Management Relations, to which was referred S. B. No. 391, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

JORDAN, Chairman.

C. S. S. B. No. 391 was read the first time.

Austin, Texas,
April 29, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Labor and Management Relations, to which was referred S. B. No. 434, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

JORDAN, Chairman.

Austin, Texas,
April 29, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Labor and Management Relations, to which was referred S. B. No. 608, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

JORDAN, Chairman.

Senator Kennard submitted the following report:

Austin, Texas,
April 29, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred S. B. 287, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

KENNARD, Chairman.

C. S. S. B. No. 287 was read the first time.

Senator Blanchard submitted the following reports:

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 378, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 601, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 600, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

BLANCHARD, Chairman.

Senator Connally submitted the following report:

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife, to which was referred H. B. No. 572, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman
BLANCHARD

Senator Hall submitted the following reports:

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred H. B. No. 1280, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred H. B. No. 1279, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred H. B. No. 980, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HALL, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred H. B. No. 342, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred H. B. No. 122, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HALL, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred S. B. No. 773, have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mentation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred S. B. No. 727, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred S. B. No. 658, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred S. B. No. 644, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred S. B. No. 444, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred S. B. No. 443, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred S. B. No. 422, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred S. B. No. 634, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HALL, Chairman.

C. S. S. B. No. 634 was read the first time.

Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred S. B. No. 126, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HALL, Chairman.

C. S. S. B. No. 126 was read the first time.

Senate Resolution 649

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the 5th Grade Class from Casis Elementary School in Austin, including Greg Barnes, the son of our distinguished Lieutenant Governor, Ben Barnes, accompanied by their teacher, Mrs. Long; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 81, A bill to be entitled "An Act relating to extending coverage of group term life insurance to the spouse and minor children of an employee of the U. S. government; amending Section 1, Article 3.50 of the Texas Insurance Code, as amended by adding Subsection (8); providing for severability; and declaring an emergency."

S. B. No. 632, A bill to be entitled "An Act authorizing the Texas Board of Corrections to convey fee simple title to the surface estate in certain state-owned land held for the use of the State Department of Corrections to certain parties in exchange for certain other land; and declaring an emergency."

Senate Resolution 646

Senator Kennard offered the following resolution:

Whereas, One hundred and thirty-three years ago occurred one of the most important battles of history.

Seven hundred and eighty-three Texans, under General Sam Houston, defeated between 1,500 and 2,000 Mexicans under Santa Anna, the self-styled Napoleon of the West.

Whereas, There should never be a 21st day of April of any year that every Texan doesn't thank God that he is a Texan; that he doesn't look back with pride on the day one hundred and thirty-three years ago that Sam Houston achieved, with his little army, the independence of Texas. We should always keep in mind the importance of that victory. The whole United States of America, the Western Hemisphere, and every citizen of any of the republics of this hemisphere should be proud of the Texas Army and what they did at San Jacinto. The people of the United States, especially, should celebrate the 21st day of April, because it meant so much, not only to the grand old State of Texas, now a part of the American Union, but to the entire country.

Whereas, We ought to sit up and think about the consequences of that battle that day one hundred and thirty-three years ago. That was the deciding factor that added to the American Union not only the magnificence of the State of Texas, with its wonderful natural resources, but all of the State of New Mexico, Arizona, California, Nevada, Oklahoma, Kansas and some of Wyoming—almost one-fourth of the present United States—the greatest cattle section of the world, an area that now produces nearly one-half of the oil of the entire United States. That was all added because of the Texas army of a little more than seven hundred men one hundred and thirty-three years ago who wrested this country from the tyranny of Mexico.

And that is not all of Texas' contributions; it is not all the results of that famous battle. It has given to the United States of America some of its leading statesmen like Sam Houston, Richard Coke, John H. Reagan, and Jim Hogg.

And today every Texan ought to be thankful of the fact that he is a Texan, the fact that he is the most fortunate man in the place of birth or place of adoption in the whole world, because of the grandeur and greatness of Texas, in which we take the greatest pride.

Whereas, We pause today briefly to pay respectful tribute to the memory of those intrepid Texans from whom

we have inherited the traditions of liberty.

Texas and Coahuila was the name of the territory north of the Nueces River, now known as Texas. From the time of Mexico's independence from Spain it was a part of Mexico. About the year 1821, Moses Austin, an American, was granted a large tract of land in Texas under the condition that he should colonize it with not less than five hundred families. This he and his son, Stephen F. Austin, who carried on his work, attempted to do, but the policy of Mexico towards the colonists was one of oppression to which the Americans would not submit.

The tide that the Austins set flowing ran for nearly a decade before the Mexican government took steps to halt it, and in those years some 30,000 people, colonists and their slaves, came in to give the Texas land a wholly new population, for they quite outnumbered the 3,000 Mexicans who were the only possessors after a whole century of Spanish settlement.

Eventually, the Mexican government repented of its liberality, brought the current of immigration to a stop, sought in various ways to curtail the autonomy of the Texans and to impose its way of life upon them. An army was sent among them to forestall opposition. The first crisis was weathered, but within a few years Mexico passed under the dictatorship of Santa Anna, and no rights seemed to be beyond the reach of an arbitrary military regime. Just as the American colonists of 1774 had appealed to the British Constitution and to their rights as Englishmen, so the Texas colonists of 1834 appealed to the liberalism of a Mexican Revolution and to the suppressed Mexican constitution. But the hand of power was not stayed, and in September of the following year, just as General Gage had sent out to seize the stores of Concord in 1775, so Colonel Ugartechea sent out to seize the brass cannon at Gonzales. The first skirmishes took place and like the Continental Congress, the Texas Consultation issued its declaration of causes for taking up arms. The delegates of the Texas Convention at Washington-on-the-Brazos put their signatures to a document which began:

"When a government has ceased to protect the lives, liberty and property

of its people, from whom its legitimate powers are derived—"

It was a declaration of independence, and Texas had its fourth flag—its own flag.

Santa Anna had destroyed constitutional government. He had usurped the powers of the legislative and the judicial branches of the government. He had destroyed freedom of speech, freedom of press, right of trial by jury—privileges which were declared by those 58 delegates to be "The palladium of civil liberty and the only safe guarantee for the life, liberty and prosperity of the citizen." (Not a declaration against Mexico or Mexicans but a declaration against a cruel ruler who had seized the government of Mexico and had suspended all constitutional provisions.)

The suppression of these rights by a dictator constituted a challenge to the liberty-loving instincts of our forefathers. They accepted that challenge and one hundred and thirty-three years ago laid down the political doctrine that the people of Texas would never be ground under the heel of a tyrant, no matter what the cost.

The convention of 58 delegates, three of whom were Mexicans, gave to posterity one of the world's great documents of liberty. We know it as the Texas Declaration of Independence. It was the instrument which wrested a colony of depressed people from the tyrannical rule of a dictator and transformed them into stalwart citizens of a free republic.

After the declaration, there followed sixty of the most colorful days in the pages of history. The Alamo became the symbol for heroic sacrifice on the altar of freedom. San Jacinto became enshrined in the hearts of all Texans as the noblest example of bravery on the battlefield. It proved to be the greatest triumph on American soil in the cause of freedom. These momentous events occurred within two months following the declaration on March 2, 1836. They deserve this commemoration as evidence of our reverence and respect.

It is a thought worthy also of remembrance that the debacle of the Alamo and the massacre at Goliad were both the result of a dictatorship. Human lives and human rights are no longer safe when a ruler usurps the powers of constitutional government.

The Alamo fell, a prey to the ruthlessness of the tyrannical Santa Anna. On March 6, 1836, it was surrounded and captured by an overwhelming army of Mexicans; the few Americans or Texans survivors who were taken prisoners were massacred under circumstances of atrocity. Among those were David Crockett, Colonel Travis, James Bowie and many others who had distinguished themselves.

The appeal of Colonel William Barrett Travis should be read on every occasion commemorating the Texas revolution. It is an evidence of the heroism and the price paid for the liberty we enjoy. Permit me to quote that appeal:

"Fellow citizens and compatriots, I am besieged by a thousand or more Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender nor retreat. Then, I call on you, in the name of liberty, or patriotism, and everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily, and will, no doubt, increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. Victory or death!"

Travis did not surrender or retreat, but died like a soldier, as did his entire command. Yes; "Thermopylae had its messenger of defeat; the Alamo had none."

It remained for Sam Houston to avenge the Alamo. It is impossible to visit the battlefield of San Jacinto without marveling at Houston's courage. He deliberately chose a battlefield from which there would be no escape if things went badly, and he lured his enemy into that field. Circled by the San Jacinto River, a marsh, and Vince's Bayou, and with Buffalo Bayou at his back, he directed the destruction of the bridge over Vince's Bayou. He had determined to end the war on this field, from which there was no escape. All went well.

He won the battle and freed an empire. It was one of the decisive battles of history, although lasting only 20 minutes. Outnumbered more than two to one, this victory for the Texas forces won the war.

Ten years later with no loss of liberty to the individual Texan, and no loss of self-government, and no breach of continuity, independent Texas became one of the United States.

Who were these Texans who had won their independence as a sovereign republic, sustained it for 10 years, and now voluntarily surrendered it? The answer is simple: they were Americans, who had come to Texas from all parts of the American Unions, and who were simply resuming the old political relationship with their former fellow citizens.

Texas has won the admiration of the world for its progress during the past one hundred and thirty-three years. The exemplary conduct of Texas' sons in the war just concluded serves to justify the hopes and aspirations of our patriotic forefathers who declared that Texas would be free and independent.

We may draw a comparison between the Texas struggle in 1836 and the war which we have recently been engaged in. In both, we suffered early ghastly losses—Goliad and the Alamo, Pearl Harbor and Bataan. We find the military commanders in both instances biding their time, in the face of bitter criticism. Then the final, ultimate crushing blow, which avenged the early defeats and achieved complete victory.

Texans made a glorious record in 1836 and they distinguished themselves just as gloriously in this last great war; for the cause was the same as it was one hundred and thirty-three years ago. Then, Texans won a victory for Texas. Recently, Texans have given of their blood and courage to win a victory for the United States of America and for all peace-loving people everywhere.

The memory of this occasion is evidence that Texans have not ceased to venerate the memory of its heroes of 1836. This important history has a very general American significance, and this therefore is an anniversary in which all Americans may take pride. We of Texas feel that we have a double heritage of independence. Two countries are ours, two flags are ours, two glorious histories are ours. We may add to the glamour of Lex-

ington and Concord the glory of the Alamo and San Jacinto. We know that the fires of patriotism burned in the breasts of Washington, Greene, Wayne and other famous chieftains of their day, but we know also that the cause of freedom had worthy advocates in Austin, in Houston, in Bowie, in Travis, in Crockett, and the scores of others who had made resplendent the pages of Texas history. Today we celebrate Texas history; it is also American history. This anniversary is a day for our remembrance and for our proper observance. Let us pledge anew that, as worthy successors of Texas' gallant heroes, we shall prove true to the wondrous heritage of freedom which Texans in recent years as in the past, have struggled mightily to preserve.

Let us today celebrate the greatness and glory of both Texas and the nation, and indulge in the hope that the Lone Star State may continue to be a conspicuous part of this great Republic.

Whereas, On the 27th of March General Houston, with the main body of the Texas army, reached the Brazos at San Felipe, from whence, for the sake of a secure position, he proceeded some distance above, to Grosse's Retreat, leaving a force of about two hundred men under Captain Baker to guard San Felipe, and sending another small detachment farther down, to Old Fort, to guard the crossing there. At Grosse's General Houston availed himself of a teamboat, with which to move his troops suddenly to any point they should be needed.

On the 29th, there was a false alarm of the approach of the enemy on San Felipe, whereupon the inhabitants hastily moved their goods across the Brazos, and set fire to the town.

Whereas, Early on the morning of the 10th of April, the advance of the enemy's cavalry appeared at San Felipe, and soon after the main body. General Houston kept a most vigilant eye on their movements. They were prevented from crossing the river at San Felipe by the high waters, as well as by the force opposed by Captain Baker.

On the 11th, it was ascertained that a division of the enemy had begun to cross the river at Old Fort,

and that another division had reached Brazoria by way of the coast; whereupon General Houston made preparations to cross his troops over the river, which was effected on the 12th.

Whereas, From the Brazos, General Houston took the line of march eastward, to "Donahue's," at which place roads, running in the direction of Nacogdoches and Buffalo Bayou, intersect. Having previously, from the Brazos, sent dispatches East, to the Red Lands—threatening to carry the war to their doors if they did not turn out—and also orders to volunteers from the United States, then advancing to join him, to halt and fortify on the Trinity, General Houston, on leaving Donahue's, was about to take the road in the direction of Nacogdoches, but circumstances fortunately directed his march towards Harrisburgh.

Whereas, The division of the enemy, which had now crossed the Brazos, was commanded by Santa Anna in person, who, not knowing the force and position of General Houston, seems to have thought that the war was over, and that Texas was won; he, therefore, hastily proceeded to take possession of the small towns of Harrisburgh and New Washington, which places he caused to be burned on the 17th and 20th. But he was mistaken—and never was a man more awfully mistaken; the Texans were close upon him; on the 18th they arrived opposite Harrisburgh. During the day, very opportunely for the Texans, and unfortunately for the enemy, a Mexican courier was taken by that most able Texan spy and brave soldier, Deaf Smith. By this courier General Houston got possession of dispatches and documents showing the situation, numbers, plans, and movements of the enemy. On the morning of the 19th, the Texan army crossed and proceeded down the right bank of Buffalo Bayou, to within about a half mile of its junction with the San Jacinto. Here, on the morning of the 20th, they took up a position in the edge of timber skirting the Bayou, having the timber in the rear, and in front an extensive prairie, interspersed with a few islands of timber.

Fortunately for the Texans, they had now received two pieces of artillery, and, more fortunate still, were about to meet with but one division

of Santa Anna's army, and that commanded by himself in person; having thus the chance of striking a decisive blow, with comparatively little risk.

Whereas, They had occupied their position but a short time, when Santa Anna came marching up in front, with his army in battle array. He was repulsed by a discharge from the Texan artillery, whereupon he fell back, and with his infantry occupied an island of timber about a quarter of a mile distant from the left of the Texan encampment; a little more remote, to the right of the same, he planted his artillery; and at an intermediate point, his cavalry.

During the day there were several skirmishes between the two armies. One of the most important, as subsequently related by General Houston, was between the Texan artillery and the Invincibles of Santa Anna. Just as the former had reached the summit of a swell in the prairie, the latter, in the imposing uniforms of high white caps and white pantaloons, appeared dashing down the opposite swell. The Texans opened a fire of their artillery, when the Invincibles taken by surprise, broke and retreated. In the result of this affair, the Texans not only had a decided advantage over the enemy, but gained confidence. The "Invincibles" had yielded.

Whereas, Another action of some importance was towards the close of the day, between about eighty men under Colonel Sherman and the enemy's cavalry. This was at the distance of about three quarters of a mile from the Texan camp, near the San Jacinto, where the enemy had then taken a position in the edge of the timber skirting the river, from whence, in front of their camp, they had thrown up a considerable breastwork. Sherman went out to reconnoitre and to get possession of the enemy's artillery, supposed to be at an intermediate point between the two encampments; with the understanding that he was to be sustained by the body of infantry under Colonel Willard, which was at the same time drawn out. Not finding the piece of artillery, which had been removed, Sherman proceeded to reconnoitre. Seeing the enemy's cavalry drawn up in front of their entrenchment, ready for an engagement, he charged upon them, drove them back behind their

infantry, sustained the fire of the latter for some minutes and then, in danger of being surrounded and cut off by superior numbers, after having performed some feats of daring chivalry, retreated, with the loss of advantage, though not of credit.

During the morning, the ever memorable morning, of the 21st, the enemy, reinforced by five hundred choice troops under General Cos, were seen actively engaged in fortifying their position. It was time that the great conflict for the soil of Texas should be decided; the Texans were impatient; delay would only increase the already great disparity of the forces opposed. General Houston held a council of his officers. It was determined to attack the enemy at their breastwork. General Houston relied upon the impetuosity of Texans in a charge; he was not deceived. He gave orders for the bridge over Sim's Bayou, on the only accessible road to the settlements on the Brazos, to be destroyed, to prevent all escape; and at half past 3 o'clock p.m. the army began to move in three divisions. The General himself led the van. They moved on with the stillness of death; not a drum, nor fife, nor voice was heard. Everyone was rousing his soul for the conflict. When within two hundred yards of the enemy, they were formed in a line of battle, and received with a shower of musket balls and grapeshot. They then marched to the attack with trailed rifles—silent, but swift and determined. When within seventy yards the word was given, "fire!"—and an instantaneous blaze poured upon the enemy the missiles of destruction, literally moving them down into the arms of death. Then the word "charge!" was given, accompanied by the soul-stirring tune of "Yankee Doodle." The effect was electrical; language cannot describe its exhilarating power; new ardor seized the souls of the Texans; their native country, her victories and her power, came to their minds; they felt that they were invincible. "Yankee Doodle" was heard above the roar of arms; and, with the shout of "the Alamo," they rushed upon their foe—and victory rewarded their valor, and vengeance atoned for their wrongs. Seven hundred Mexicans lay a sacrifice to the shades of departed heroes slaughtered at the Alamo and Goliad.

Thus ended the glorious battle of San Jacinto, and the Mexican dominion in Texas.

Whereas, Few battles of the world have been more decisive and tremendous in their influence over civilization than the Battle of San Jacinto. It changed the map of the North American continent and opened the way for the United States to extend its boundary to the Rio Grande on the southwest and to the Pacific Ocean on the west. It sealed the destiny of the Texas Republic; confirmed its Declaration of Independence; drove from the country east of the Rio Grande an invading host, and established liberty where tyranny sought to enthrone itself. The slaughter of the defenders of the Alamo; the murder of Fannin's command at Goliad; the butchery of Ward's and King's troops were the compelling events which drove Houston's brave men to fight like demons when the imperious Mexican faced them on the field of battle.

On his retreat from the Colorado and Brazos, Houston reached a point opposite Harrisburgh on the Buffalo Bayou April 18th. From here he sent his scouts, Henry W. Karnes and Deaf Smith, across the bayou in search of information of the Mexican army. They soon returned to Houston's camp with two Mexican couriers carrying dispatches from General Filisola to Santa Anna. This was the first information Houston had received that Santa Anna was personally in command of those troops. Orders were at once given to cross the bayou, the companies were formed into line, and Houston rode up and addressed them. He told them that they must prepare for battle. That the enemy was near, and whenever and wherever he was found he proposed to give battle. He gave them as the battle cry, "Remember the Alamo! Remember Goliad!" Instantly the words were shouted out by every man present. General Houston referred to the cruelties of Santa Anna's army; the slaughter of Travis; of Crockett; of Bowie; of Fannin; of Ward of King, and their companies; and told them that the opportunity for revenge was near; that a battle was inevitable and victory was sure. General Rusk followed Houston with a strong appeal to the army to act well their part in the battle soon to take place. "They

are better equipped than we and their numbers are greater, but God and right are with us and will give us the victory," he said.

Whereas, These addresses greatly inspired every man of the little army, and they awaited only the orders to march. The order was soon given, and the little band fell into line without the beat of a drum or the floating of banners, resolved to conquer or die. And as they marched toward Santa Anna's troops few words were spoken. Their minds and hearts were fixed on home, their families, their country. Reaching a point a few miles from where the supreme struggle was to be made, the army halted. The weary men took shelter under the cover of a grove and slept a short time. General Houston rose at daybreak. Pickets were advanced from every direction and scouts were sent out. The scouts soon returned with the information that Santa Anna with his army was not far distant. As soon as the scouts returned with the information that Santa Anna's army had been located, fires were built preparatory to the cooking of the beeves previously dressed.

Whereas, April 21st has been set aside as a state-wide holiday and is generally observed; and

Whereas, The Senate has shown a callousness and a complete disregard for the importance of this outstanding event in the history of our State and Nation, by failing to properly observe this memorable day; now, therefore, be it

Resolved, By the Senate of Texas, That the Senate pay proper tribute and respect to the memory of those great heroes who were responsible for our Liberty and Freedom, and that when the Senate adjourns today, it do so in honor of the immortal heroes of San Jacinto.

A full reading of the resolution was called for.

Question—Shall S. R. No. 646 be adopted?

House Bill 145 on Second Reading

On motion of Senator Ratliff, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 145, A bill to be entitled "An Act providing for the creation of North Runnels County Hospital District with boundaries coextensive with the boundaries of Commissioners Precincts 2 and 3 of Runnels County, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 145 on Third Reading

Senator Ratliff moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 145 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Snelson
Harrington	Strong
Harris	Watson
Hazlewood	Wilson
Herring	Word

Absent

Bridges Connally

Absent—Excused

Berry-

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Harris
Bates	Hazlewood
Bernal	Herring
Blanchard	Hightower
Brooks	Jordan
Christie	Kennard
Cole	Mauzy
Creighton	McKool
Grover	Moore
Hall	Patman
Harrington	Ratliff

Schwartz	Watson
Snelson	Wilson
Strong	Word

Absent

Bridges Connally

Absent—Excused

Berry

House Bill 888 on Second Reading

On motion of Senator Ratliff, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 888, A bill to be entitled "An Act providing for the establishment and operation of museums in certain counties and cities or towns; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 888 on Third Reading

Senator Ratliff moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 888 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Snelson
Harrington	Strong
Harris	Watson
Hazlewood	Wilson
Herring	Word

Absent

Bridges Connally

Absent—Excused

Berry

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Snelson
Harrington	Strong
Harris	Watson
Hazlewood	Wilson
Herring	Word

Absent

Bridges Connally

Absent—Excused

Berry

House Bill 1009 on Second Reading

On motion of Senator Brooks, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1009, A bill to be entitled "An Act amending Chapter 76, Acts of the 50th Legislature, Regular Session, 1947, as amended, (Article 6243g-1, Vernon's Texas Civil Statutes), relating to Pension Systems for policemen in cities of nine hundred thousand (900,000) or more inhabitants which do not now have a police, firemen, and fire alarm operators pension system organized under another law; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend Section 6(a) of House Bill 1009 by striking the word "welfare" wherever it appears and substituting the word "welfare."

The amendment was read and was adopted.

The bill as amended was passed to third reading.

House Bill 1009 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1009 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Snelson
Harrington	Strong
Harris	Watson
Hazlewood	Wilson
Herring	Word

Absent

Bridges Connally

Absent—Excused

Berry

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Snelson
Harrington	Strong
Harris	Watson
Hazlewood	Wilson
Herring	Word

Absent

Bridges Connally

Absent—Excused

Berry

House Bill 910 on Second Reading

On motion of Senator Patman, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 910, A bill to be entitled "An Act relating to the authorization of certain conservation and reclamation districts in San Patricio County to annex certain additional territory, provide for flood control and other district purposes, and contract with the United States for the construction of certain improvements; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 910 on Third Reading

Senator Patman moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 910 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent

Bridges

Absent—Excused

Berry

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Bernal
Bates	Blanchard

Brooks	Kennard
Christie	Mauzy
Cole	McKool
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Snelson
Harris	Strong
Hazlewood	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent

Bridges

Absent—Excused

Berry

House Bill 756 on Second Reading

On motion of Senator Patman, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 756, A bill to be entitled "An Act providing for the creation of a conservation and reclamation district under the provisions of Section 59 of Article XVI, Constitution of Texas, to provide drainage for all of San Patricio County and to be known as 'San Patricio County Drainage District of San Patricio County, Texas,' etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 756 on Third Reading

Senator Patman moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 756 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Grover
Bates	Hall
Bernal	Harrington
Blanchard	Harris
Brooks	Hazlewood
Christie	Herring
Cole	Hightower
Connally	Jordan
Creighton	Kennard

Mauzy	Snelson
McKool	Strong
Moore	Watson
Patman	Wilson
Ratliff	Word
Schwartz	

Absent

Bridges

Absent—Excused

Berry

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent

Bridges

Absent—Excused

Berry

House Bill 1152 on Second Reading

On motion of Senator Ratliff, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1132, A bill to be entitled "An Act amending Subsection (b), Section 2, Chapter 643, Acts of the 60th Legislature, Regular Session, 1967 (Article 8280-387, Vernon's Texas Civil Statutes), relating to the boundaries of the Elm Creek Water Control District; amending Subsection (d), Section 15 of the same Act, relating to the bonds furnished by the members of the board of directors of the district; and declaring an emergency."

The bill was read second time and passed to third reading.

(President in the Chair.)

House Bill 1152 on Third Reading

Senator Ratliff moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1152 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent

Bridges

Absent—Excused

Berry

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent

Bridges

Absent—Excused

Berry

Senate Bill 791 on First Reading

By unanimous consent, Senator McKool moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent

Bridges

Absent—Excused

Berry

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator McKool:

S. B. No. 791, A bill to be entitled "An Act prohibiting an attempt to obtain dangerous drugs by any forged, fictitious or altered prescription; amending Section 14, Chapter 325, Acts of the 56th Legislature, Regular Session, 1959 (Article 726d, Vernon's Texas Penal Code); and declaring an emergency."

To the Committee on Jurisprudence.

Senate Bill 479 With House Amendments

Senator Watson called S. B. No. 479 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend Senate Bill 479 by deleting all of Section 5 and substituting the following Section 5:

Sec. 5. Section 7, Chapter 551, Acts of the 47th Legislature, Regular Session, 1941, as amended by Section 2, Chapter 292, Acts of the 53rd Legislature, Regular Session, 1953 (Section 7, Article 93b, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 7. (a) For the purpose of administering the Texas Seed Act, any person who sells, offers for sale or otherwise distributes any agricultural seed within this state for planting purposes shall pay to the Commissioner of Agriculture an inspection fee. Said inspection fee shall be deposited in the State Treasury by the Commissioner, and placed by the State Treasurer in the special Department of Agriculture Fund.

"(b) The procedure for paying for inspection fee on agricultural seed shall be either by the use of the Tax Tag (which shall be known as the Texas Tested Seed Label) or by means of the reporting system but shall not be by means of both such procedures, and shall in addition to such rules and regulations which the Commissioner of Agriculture is herewith authorized to issue, be in compliance with all the provisions of this Act.

"(c) When the inspection fee is to be paid by use of the Tax Tag (Texas Tested Seed Label) the person who distributes, sells, offers for sale or exposes for sale agricultural seed shall purchase said Texas Tested Seed Label from the Commissioner of Agriculture at a cost of not to exceed two cents (2¢) for each one hundred pounds or fraction thereof and shall attach said tag to each container of seed sold, offered for sale or otherwise distributed for sale for planting purposes within this state. The Commissioner of Agriculture is hereby empowered to promulgate rules and regulations prescribing the form of said tag, and the manner to show the analysis information required in Section 3 of this Act.

"(d) When the inspection fee is paid by means of the reporting system, said fee shall be four cents (4¢) for each 100 pounds of agricultural seed offered for sale, exposed for sale, or otherwise distributed for sale for planting purposes within this state. The Commissioner of Agriculture is

authorized at his discretion and under such rules and regulations as he may promulgate, to prescribe and furnish such forms and to require the filing of such reports and shall issue permits bearing a number assigned by the Commissioner on application therefor to any person who sells, offers for sale, exposes or otherwise distributes for sale any agricultural seed. The inspection fee shall be due on the total pounds of first sales or distribution by the originating permittee, except that in cases where a Texas seedsman purchases or receives agricultural seed for planting purposes from a seedsman located outside the State of Texas, the inspection fee may be paid by either seedsman, but final responsibility rests with the Texas seedsman. In cases where a Texas seedsman under the reporting system purchases or receives agricultural seed from another Texas seedsman also using the reporting system, the fee may be paid by either seedsman, provided an agreement in writing specifying this option is on file with each seedsman. In such cases the invoice covering such transaction shall indicate which seedsman is responsible for reporting and paying the inspection fees. In addition to all other provisions of this Act, each person who is issued a permit to sell, offer for sale or otherwise distribute agricultural seed and pay the inspection fee in accordance with the reporting system shall:

"(1) Maintain and furnish such records as the Commissioner of Agriculture may require to reflect accurately the total pounds of agricultural seed handled and the portion of such pounds that is sold, offered for sale or distributed for sale as planting seed and subject to the inspection fee of four cents (4¢) per 100 pounds. The Commissioner of Agriculture or his duly authorized agents shall have permission to examine the records of the permittee during normal working hours.

"(2) File with The Commissioner of Agriculture within thirty days after the close of each quarter year ending the last day of November, February, May and August, sworn reports covering the total pounds of all first sales of agricultural seeds sold during the preceding quarter. A penalty of ten per cent (10%) of any inspection fee which is not paid within the time allowed shall be added to the inspection fee.

"(3) When located outside of the State of Texas and when distributing agricultural seed in the State of Texas, shall maintain in the State of Texas the records and information required by Section 7(d) of this Act or pay all costs incurred in the auditing of records at a location outside of the state. The Commissioner of Agriculture is authorized and directed to revoke the permit of any person who fails to comply with this requirement. Itemized statements of costs incurred in any such audits shall be furnished the permittee by the Commissioner promptly on completion of any such audit, and he must pay the same within thirty (30) days from the date of the statement.

"(4) Affix to each container of agricultural seed sold, offered for sale, or otherwise distributed and to the invoice of each lot of agricultural seed sold, offered for sale, or otherwise distributed in bulk, a plainly printed or written statement giving the information required in Section 3 of this Act.

"Any failure of a permittee to observe these regulations, file required reports, or pay fees required shall be grounds for cancellation of the permit.

"(e) Any person who sells, offers for sale, exposes for sale or otherwise distributes seed in bulk must use the reporting system and all labeling information required in Section 3 of this Act must be shown on the invoice or such person must furnish to the purchaser one (1) Texas Tested Seed Label with the analysis information required in Section (3) printed thereon for each one hundred (100) pounds and/or fraction thereof sold.

"(f) In no case shall the inspection fee be paid more than once on any quantity of seed either by the Tax Tag or reporting system, except that the inspection fee must be paid once during the first and once during any subsequent germination period as required in Section 4(a)(1) of this Act, that said seed remains offered or exposed for sale. For any seed on which the germination test has expired, payment of the inspection fee is the responsibility of the custodian of said seed.

"(g) The Commissioner of Agriculture is authorized to prescribe, amend, adopt, and publish after public hearing following due public no-

tice, such rules and regulations as are necessary to carry out and make effective the provisions of this section."

Sec. 6. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end, the provisions of this Act are declared to be severable.

Section 7. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment

Amend Committee Amendment No. 1 to S. B. No. 479, in quoted Section 7(a), line 34 of second printing by adding the words "for sale" between the words "distributes" and "any."

The House amendments were read.

Senator Watson moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Resolution 650

Senator Bernal offered the following resolution:

Whereas, S. B. No. 635 has passed the Senate and is now in the Senate Engrossing Room; and

Whereas, Section 2 of the bill contains an effective date of 1968-69 which is in error and should read 1969-70; now, therefore, be it

Resolved by the Senate of the 61st Legislature, That the Engrossing Clerk be instructed to correct the effective date contained in Section 2 to read 1969-70.

The resolution was read and was adopted.

House Bill 1258 on Second Reading

On motion of Senator Brooks, and by unanimous consent, the regular order of business was suspended to

take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1258, A bill to be entitled "An Act creating and establishing a Conservation and Reclamation District under and essential to the purposes of Article 16, Section 59, of the Constitution of Texas, to be known as 'Harris County Utility District No. 4'; etc., and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1258 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1258 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Berry

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Creighton
Bates	Grover
Bernal	Hall
Blanchard	Harrington
Bridges	Harris
Brooks	Hazlewood
Christie	Herring
Cole	Hightower
Connally	Jordan

Kennard	Schwartz
Mauzy	Snelson
McKool	Strong
Moore	Watson
Patman	Wilson
Ratliff	Word

Absent—Excused

Berry

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

H. B. No. 112, A bill to be entitled "An Act relating to days designated as legal holidays; amending Article 4591, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 1299, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Memorial Hills Utility District'; etc.; and declaring an emergency."

H. B. No. 1272, A bill to be entitled "An Act creating and establishing a Conservation and Reclamation District under and essential to the purposes of Article 16, Section 59, of the Constitution of Texas, to be known as 'Harris County Utility District No. 7'; etc.; and declaring an emergency."

H. B. No. 1255, A bill to be entitled "An Act creating and establishing a Conservation and Reclamation District under and essential to the purposes of Article 16, Section 59, of the Constitution of Texas, to be known as 'Harris County Utility District No. 1'; etc.; and declaring an emergency."

H. B. No. 1105, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Tomball Road Utility District'; etc.; and declaring an emergency."

H. B. No. 1103, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Cypress Creek Utility District'; etc.; and declaring an emergency."

H. B. No. 996, A bill to be entitled "An Act amending Chapter 487, Acts of the 54th Legislature, 1955, as amended (Article 2919e-2, Vernon's Texas Civil Statutes), by adding a new section authorizing the Coordinating Board, Texas College and University System, to appoint a secretary of the Board and providing that the duties of said secretary may be prescribed by law and by the said Board; and declaring an emergency."

H. B. No. 765, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article XVI, Section 59, Constitution of Texas, to be known as Harris County Water Control and Improvement District No. 132 of Harris County, Texas; etc., and declaring an emergency."

H. B. No. 645, A bill to be entitled "An Act creating Collin-Denton County Water and Sanitation District; etc.; and declaring an emergency."

H. B. No. 603, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'North Belt Utility District'; etc.; and declaring an emergency."

H. B. No. 813, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Lake Tanglewood Utility District'; etc., and declaring an emergency."

H. B. No. 713, A bill to be entitled "An Act relating to the criminal jurisdiction of the County Court of Marion County; etc., and declaring an emergency."

Senate Resolution 646

The Senate resumed the consideration of the pending business, same being a full reading of S. R. No. 646.

Question—Shall S. R. No. 646 be adopted?

Senator Mauzy called for a second complete reading of the resolution since he had been absent from the Senate Chamber.

Pending a second reading of the resolution, Senator Snelson occupied the Chair.

Question—Shall S. R. No. 646 be adopted?

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 766 by a vote of 137 Ayes, 0 Noes.

S. B. No. 418, A bill to be entitled "An Act to amend Article I, Section 5, Benefits, Subsection D, Allowance for Service Retirement, Paragraphs 1, 2, 3; and Paragraph 4, Disability Retirement Benefits; and Article I, Section 8, Method of Financing, Subsection C; for Elective State Officials and matching contributions equal to the contributions of the Elective State Official; and Article I, Section 12, Amount of Benefits, Subsection D; of H. B. 902, Regular Session, 58th Legislature; providing an effective date; repealing laws in conflict herewith; providing a savings clause; and declaring an emergency."

(With amendments.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Senate Bill 418 with
House Amendments**

Senator Hazlewood called S. B. No. 418 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend S. B. No. 418 by deleting all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Article I, Section 5, Subsection D, Chapter 524, Acts of the Regular Session of the 58th Legislature shall be and the same is here-

by amended so as to hereafter read as follows:

'Section 5. Benefits

'Subsection D. Service Retirement Benefits for Elective State Officials

'1. Any member may retire upon written application to the State Board of Trustees, setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution of and filing thereof, he desires to be retired, provided that retirement will be effective only as of the last day of the calendar month, and provided that the said member at the time so specified for his retirement shall have attained the age of sixty (60) years and shall have completed eight (8) or more years of creditable service.

'The Regular Maximum Service Retirement allowance with not less than eight (8) years of service and with an attained age of sixty (60) years or over shall be One Hundred and Fifty Dollars (\$150) per month. Each additional year of service in excess of eight (8) years shall increase the Regular Maximum Service Retirement allowance by an amount per month equal to five per cent (5%) of the total monthly salary paid to duly elected members of the Legislature of the State of Texas on date of retirement and as may be adjusted from time to time thereafter.

'It is expressly provided that any annuity or allowance payable under the provisions of this Act shall begin with the last day of the month following the effective date of retirement and shall be paid in monthly installments and shall cease with the last day of the month preceding the month in which the beneficiary or person dies who is receiving such an annuity or allowance as provided in this Act.

'It is further provided that the Rate of Benefits scheduled as provided for by this Act shall be applied to all service retirement annuities payable on the effective date of this Act and previously awarded under the laws governing the Employees Retirement System as effective September 1, 1963.

'2. Any member who has accumulated a minimum of eight (8) years of service as provided herein and who does not withdraw his account from the Retirement System prior to the attainment of age sixty (60) shall remain an active member and shall be entitled to a service retirement al-

lowance upon attaining age sixty (60).

'3. It is provided herein that for service retirement Elective State Officials shall be eligible to select any of the optional allowance plans as provided for appointive officers and employee members, as set forth in Section 5, Subsection B, Paragraph 3, of this Act.

'4. Disability Retirement Benefit for Elective State Officials

'Upon the application of a member or his employer or his legal representative acting in his behalf, any member under age sixty (60), who has eight (8) or more years of creditable service may be retired by the State Board of Trustees, not less than thirty (30) and not more than ninety (90) days next following the date of filing such application, provided the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. The benefit to be paid by the Retirement System shall be the same as that set forth for service retirement without reduction for reason of age, provided, however, that no optional plan may be selected, and further provided that should the disabled retired member die before the full amount of contributions standing to his credit shall have been paid, then the remainder of his account shall be paid to the beneficiary of such disabled retired member. It is provided herein that additional provisions after disability retirement applicable for appointive officers and employee members as set forth in Section 5, Subsection C, Paragraphs 4, 5, and 6, will be applicable also to disability retirement for Elective State Officials. Upon the death of any member, with not less than eight (8) years of service under the provisions of this Act, one-half ($\frac{1}{2}$) of the total service retirement allowance provided herein to which such member is entitled or would have been entitled at age sixty (60), or at the time of his death, whichever is later, shall be paid to the surviving spouse at the time of the death of such member.'

Sec. 2. Article I, Section 8, Chapter 524, Acts of the Regular Session of the 58th Legislature shall be and the same is hereby amended by adding thereto a new subsection to be

numbered Subsection C so as to hereafter read as follows:

'Section 8. Method of Financing Subsection C.

It is expressly provided that the members who are Elective State Officials shall contribute a sum equal to six per cent (6%) of the total compensation (monthly rate of pay) of the said respective Elective State Official to the Employees Saving Fund and an equal amount shall be paid by the State of Texas each year in equal monthly installments to the State Accumulation Fund, notwithstanding the provisions of Subsection A of this Section.'

Sec. 3. Article I, Section 12, Subsection D, Chapter 524, Acts of the Regular Session of the 58th Legislature shall be and the same is hereby amended so as to hereafter read as follows:

'Section 12. Amount of Benefits; Creditable Service

'D. It is expressly provided herein that no increase in contribution rate or benefits applicable to Elective State Officials, appointive officers and employees, and/or retired members shall be effective on the date of passage of this Act, but shall become effective on the first day of the month following the effective date of this Act. Elective State Officials other than members of the Legislature of the State of Texas shall be entitled to elect to claim benefits under this Act or under other applicable retirement provisions of the Employees Retirement System of Texas, but in no event shall such Elective State Official claim under this Act as well as other applicable retirement provisions. Such election may be exercised by written notice to the Employees Retirement System at any time, but such Elective State Official once having elected to come under other applicable retirement provisions shall not thereafter be permitted to elect to come under this Act.'

Sec. 4. Article I, Section 3, Chapter 524, Acts of the Regular Session of the 58th Legislature, is amended hereby by adding thereto a new subsection to be numbered Subsection E and reading as follows:

'Subsection E. Any person who was an Elective State Official and who has served not less than eight (8) years in the Legislature of Texas (as such creditable service is defined in Chapter 524, Acts of the Regular Session,

58th Legislature as amended) may become a member of the Employees Retirement System by paying into such system Two Hundred Eighty-Eight Dollars (\$288) for each year of service in the Legislature of Texas. Provided further, any such person must make application to become a member and pay in such sums prior to January 1, 1970. Such application shall be made on forms provided by the Board, and, thereupon, such person shall be entitled to all the privileges and benefits of such system.'

Sec. 5. Partial Invalidity; Repeal.

If any sentence, paragraph, or section of this Act shall be held invalid or unconstitutional, such holding shall not invalidate any other sentence, paragraph, or section hereof, and the Legislature hereby expressly declares that it would have passed such remaining sentences, paragraphs, and sections despite such invalidity.

Sec. 6. Emergency Clause.

The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

Amendment No. 2

Amend Amendment No. 1 to S. B. 418 by adding at the end of Section 1, Sec. 5, Subsection D4, line 35 after the word "member" the following:

"Provided however, that this section shall not be applicable in the event a greater payment is provided by a Death Benefit Plan as authorized by Chapter 352, Acts of the 50th Legislature, R. S., 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas), paragraphs 5 and 6, Subsection E, Section 5."

Amendment 3

Amend S. B. 418 by deleting all above the enacting clause and placing in lieu thereof the following:

A BILL

TO BE ENTITLED

"AN ACT amending Chapter 524, Acts, Regular Session, 58th Legislature, as amended, codified as Article 6228a, Vernon's Texas Civil Statutes, to amend Article I, Section 5, Subsection D; and Article I,

Section 8, by adding a Subsection C; Article I, Section 12, Subsection D; and Article I, Section 3, by adding a Subsection E; providing an effective date; repealing laws in conflict herewith; providing a savings clause; and declaring an emergency."

The House amendments were read.

Senator Hazlewood moved that the Senate concur in the House amendments.

The motion prevailed.

Notice of Executive Session

Senator Word gave notice that he would move for an Executive Session at 11:30 o'clock a.m. on tomorrow.

Memorial Resolutions

S. R. No. 647—By Senator Watson: Memorial resolution for George Goolsbee.

S. R. No. 648—By Senator Watson: Memorial resolution for Mrs. A. H. Alsup.

S. R. No. 654—By Senator Wilson: Memorial resolution for Le Roy Nolley.

S. R. No. 655—By Senator Wilson: Memorial resolution for Loel Floyd Largent.

S. R. No. 656—By Senator Wilson: Memorial resolution for Michael Robert Burnette.

S. R. No. 658—By Senator Wilson: Memorial resolution for Gary Everett.

Welcome and Congratulatory Resolutions

S. R. No. 644—By Senator Herring: Extending welcome to teachers and students of Pearce Junior High School of Austin.

S. R. No. 645—By Senator Blanchard: Extending congratulations to the citizens of Slaton for their patriotism and love of country. (Amended.)

S. R. No. 651—By Senator McKool: Extending congratulations to the Vanton Junior High School Vikings of Mesquite for their remarkable athletic record.

S. R. No. 652—By Senator Watson: Extending welcome to teacher and students of Moody High School.

S. R. No. 653—By Senator Watson: Extending appreciation to citizens of Waco on the celebration of Fort Fisher Day.

S. R. No. 657—By Senator Wilson: Extending congratulations to Michael A. Boyett on receipt of Bronze Star.

S. R. No. 659—By Senator Herring: Extending welcome to teacher and students of San Marcos High School.

S. R. No. 660—By Senator Herring: Extending welcome to teacher and students of Leander High School.

Adjournment

On motion of Senator Aikin the Senate at 11:25 o'clock a.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

April 30, 1969

S. B. No. 81

S. B. No. 632

SIXTY-SECOND DAY

(Thursday, May 1, 1969)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by Senator Word.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Berry

Cole

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Cole was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Berry was granted leave of absence for today on account of illness on motion of Senator Hightower.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 30, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 179 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 774 by vote of 134 ayes, 0 noes, 1 present not voting.

The House refused to concur in Senate amendments to House Bill No. 660 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House conferees are: Heatly, Slack, Slider, Braecklein, Longoria.

H. B. No. 37, A bill to be entitled "An Act relating to false, misleading, or deceptive acts in advertising, offering for sale, selling, or distributing any service, commodity, or thing of value; amending Chapter 10, Title 79, Revised Civil Statutes of Texas, 1925, as added by Section 2, Chapter 274, Acts of the 60th Legislature, Regular Session, 1967; and declaring an emergency."

H. B. No. 169, A bill to be entitled "An Act creating the Texas Private